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Comprehensive study of the question of honorariums payable to members of organs and subsidiary organs of the United Nations

Report of the Secretary-General

I. Introduction

1. The basic principle governing the payment of honorariums enunciated by the General Assembly in its resolution 2489 (XXIII) of 21 December 1968 and reaffirmed in its resolutions 3536 (XXX) of 17 December 1975 and 35/218 of 17 December 1980 was that neither a fee nor any other remuneration in addition to subsistence allowances at the standard rate would normally be paid to members of organs or subsidiary organs unless expressly decided upon by the General Assembly.

2. Mindful of the basic principle governing the payment of honorariums, the General Assembly, in paragraph 1 of its resolution 35/218, decided that, with effect from 1 January 1981, the following rates of honorariums should be payable in those cases it had already authorized on an exceptional basis, namely, the International Law Commission (ILC), the International Narcotics Control Board (INCB), the United Nations Administrative Tribunal and the Human Rights Committee:

	Revised rate of honorariums (United States dollars)
Chairmen (Presidents)	5 000
Vice-Chairman of INCB	4 000
Other members	3 000
Additional amount payable to members of ILC when acting as special rapporteurs, conditional upon the preparation of specific reports of studies between sessions of the Commission	2 500

3. It should also be noted that subsequently the General Assembly decided that the same rates of honorariums should be applied to two other subsidiary organs on an exceptional basis. In its resolution 36/240 A of 18 December 1981, the Assembly approved paying the members of the Committee on the Elimination of Discrimination against Women the rate set out in resolution 35/218 (see A/C.5/36/90, para. 8). By section VII of its resolution 44/201 A of 21 December 1989, the Assembly decided that the emoluments for members of the Committee on the Rights of the Child should be payable at the rates authorized in resolution 35/218.

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4. In paragraph 2 of its resolution 35/218, the General Assembly requested the Secretary-General to keep the rates of honorariums under review and to report thereon to the Assembly when, in his judgement, their revision by the Assembly might be warranted.

II. Background

5. Prior to the adoption of resolution 35/218, the General Assembly had examined the matter of honorariums on several occasions.[1] As mentioned above, the basic principle was that neither a fee nor any other remuneration in addition to subsistence allowances at the standard rate would normally be paid to members of organs or subsidiary organs unless expressly decided upon by the Assembly. It is further recalled that, at its thirtieth session (resolution 3536 (XXX)), the Assembly had sought to determine whether it would be possible to replace the present practice, which derives from ad hoc decisions to allow exceptions to a rule, with a coherent system under which uniform criteria would determine whether honorariums are paid to members of a particular organ or subsidiary organ.

6. In the fall of 1989, the Legal Counsel received a communication from the President of the United Nations Administrative Tribunal proposing increases in the rates of honorariums for the President and members of the Tribunal. The Secretary-General noted the arguments put forward by the President of the Tribunal and concluded that it was appropriate to bring the matter to the attention of the Assembly, pursuant to paragraph 2 of its resolution 35/218.

7. Accordingly, a report on honorariums payable to members of organs and subsidiary organs of the United Nations (A/C.5/46/12) was submitted to the General Assembly at its forty-sixth session. The Advisory Committee on Administrative and Budgetary Questions, having been informed that a more comprehensive review would be conducted on the subject, did not comment on the proposals contained in the report and recommended instead that the Assembly defer consideration of the matter until its forty-seventh session.[2] By section V of its resolution 46/185 A of 20 December 1991, the Assembly decided to defer until its forty-seventh session consideration of the report of the Secretary-General on the question.

8. In paragraph 85 of its first report on the proposed programme budget for the biennium 1992–1993,[3] the Advisory Committee stated that, with the rapid expansion of the activities of the United Nations in certain areas, the work of some of its committees and commissions had increased dramatically. The Committee also stated its belief that the time had come for the Secretary-General to submit a report, with appropriate proposals, to the General Assembly at its forty-seventh session. Consequently, a report on honorariums payable to members of organs and subsidiary organs of the United Nations was submitted to the General Assembly at its forty-seventh session (A/C.5/47/45).

9. Bearing in mind the conditions enunciated by the General Assembly in its resolutions 35/218 and 46/185 A and the comments of the Advisory Committee, the Secretary-General took note of the arguments put forward by the President of the Tribunal. In particular, he noted that the volume of work of the Administrative Tribunal had more than doubled in the past decade. A concomitant increase in the responsibilities and workload was also reported for the other five bodies for which honorariums had been authorized. In view of that development and the length of time that had elapsed since the latest revision in the rate of honorariums, the Secretary-General decided to bring the matter to the attention of the Assembly in accordance with the provisions of paragraph 2 of resolution 35/218.

10. The Secretary-General also reiterated his observation contained in his report to the General Assembly at its forty-sixth session (A/C.5/46/12) that there was no established procedure to determine the amount of an increase for honorariums, and that honorariums were considered to be of a token nature. The Secretary-General was of the view that the honorariums had experienced a decline in real value as a result of inflation since they were last revised in 1981. Thus, he proposed to revise the rates of honorariums to reflect a 25 per cent increase over the current rates (para. 8).

11. In his report to the General Assembly at its forty-seventh session (A/C.5/47/45), the Secretary-General observed that, in the absence of any specific guidance on the subject of honorariums and workload, he found it difficult to draw any conclusions on the relationship between workload and payment of honorariums to members of subsidiary bodies (para. 51). He further commented that, over the years, the General Assembly had approved payment of honorariums in exceptional cases to members of specific organs and subsidiary organs. In some instances, the payment of such honorariums was based on specific provisions contained in the statutory rules approved by the Assembly for the bodies concerned. From the nature of the mandates of those bodies (treaty implementation and other legal matters), it was his opinion that it would appear that the Assembly had approved payment of honorariums to acknowledge in a token manner an evidently substantial sacrifice of time or financial interest on the part of their

members rather than to attempt to compensate them adequately for their services (para. 52).

12. The Secretary-General further stated that, at the time of the creation of the various bodies, he had not been involved in developing those decisions nor was he advised of the rationale for the payment of honorariums. The role of the Secretary-General in the process was limited to keeping the rates of honorariums under review and reporting thereon to the General Assembly when, in his judgement, their revision might be warranted. It was the view of the Secretary-General that the proposal to revise the rates of honorariums by 25 per cent, made in 1992, was still valid, and thus it was resubmitted to the Assembly for consideration at its forty-seventh session. In his report, the Secretary-General also presented a review of the workload of those committees and commissions for which the General Assembly had exceptionally authorized the payment of honorariums, namely, ILC, INCB, the United Nations Administrative Tribunal, the Human Rights Committee, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child. With respect to each of those bodies, he provided information on the composition of the membership and an analysis of the nature of the workload, the responsibility of individual members, the annual average meeting period and the amount of documentation reviewed.

13. The Advisory Committee on Administrative and Budgetary Questions did not object to the Secretary-General's proposal to increase the rates of honorariums by 25 per cent. However, it commented that there was little evidence in the report to suggest that a comprehensive review regarding such questions as to whether there might be other bodies within the system eligible for payment of honorariums, or the implications of introducing uniformity into the conditions for the payment of honorariums, had been carried out.[4]

14. By section XV of its resolution 47/219 A of 23 December 1992, the General Assembly decided to postpone to its resumed forty-seventh session the review of the question of honorariums.

15. By its decision 47/460 of 6 May 1993, the General Assembly, on the recommendation of the Fifth Committee, decided to defer consideration of the reports of the Secretary-General on a comprehensive study of the question of honorariums payable to members of organs and subsidiary organs of the United Nations (A/C.5/46/12 and A/C.5/47/45).

16. In paragraph 86 of its first report on the proposed programme budget for the biennium 1996–1997,[5] the Advisory Committee recalled its view on the question of honorariums, expressed in 1991, that there was little evidence in the report (A/C.5/47/45) to suggest that a comprehensive review regarding such questions as to whether there might be other bodies within the system eligible for payment of honorariums, or the implications of introducing uniformity into the conditions for the payment of honorariums, had been dealt with. The Advisory Committee further commented that the concerns expressed above were still valid, and it requested the Secretary-General to respond to them at the earliest opportunity.

17. In response to the concerns expressed by both the President and members of INCB and the President and members of the United Nations Administrative Tribunal, the Secretary-General submitted an interim report (A/52/699) in which he requested the General Assembly to revise the honorariums for the members of the Board and the Tribunal, as well as the members of other bodies who are paid honorariums, by 25 per cent, with effect from 1 January 1998. The Advisory Committee, in its eighth report on the proposed programme budget for the biennium 1998–1999[6] commented that it would be more appropriate if the question of the rate of honorariums were considered in the context of the Secretary-General's comprehensive report on the issue to be submitted to the General Assembly at its fifty-third session. The General Assembly concurred with that view by its decision 52/463 of 31 March 1998.

III. Review of payment of honorariums

18. The General Assembly, by its resolution 3536 (XXX), requested the Secretary-General to submit a comprehensive study of the question of honorariums payable to members of organs and subsidiary organs of the United Nations, taking into account, *inter alia*, the following factors:

> "(a) The practice that may be applied to other organizations within the United Nations system;
>
> (b) The need to secure the services of competent and independent experts;
>
> (c) The implications of introducing uniformity into the conditions for the payment of honoraria to full-time and part-time members of the organs and subsidiary organs concerned or likely to be concerned;
>
> (d) The possible implications of discontinuing honoraria for part-time members with regard, *inter alia*, to retaining qualified experts in those organs."

19. In connection with the comprehensive review, the Advisory Committee, in paragraph 6 of its eighth report on the proposed programme budget for 1998–1999,[6] expressed the wish that, in responding to specific requirements set out in General Assembly resolution 3536 (XXX) with respect to the comprehensive study, the Secretary-General would also identify criteria and legislative authority for exceptions from the basic principle that neither a fee nor any other remuneration would normally be paid to members of organs and subsidiary organs of the United Nations in addition to travel expenses and a subsistence allowance.

20. Information on prevailing practice in respect of payment of honorariums by other organizations within the United Nations system was sought from the following organizations, namely, the International Labour Organization (ILO); the Food and Agriculture Organization of the United Nations (FAO); the United Nations Educational, Scientific and Cultural Organization (UNESCO); the World Health Organization (WHO); the Universal Postal Union (UPU); the International Telecommunication Union (ITU); the World Meteorological Organization (WMO); and the International Atomic Energy Agency (IAEA).

21. The responses received are presented below.

International Labour Organization

22. Honorariums are paid to judges of the ILO Administrative Tribunal, members of the Committee of Experts on the Application of Conventions and Recommendations, members of commissions of inquiry set up to examine complaints relating to non-observance of ratified conventions and members of bodies analogous to commissions of inquiry, as follows:

(a) *ILO Administrative Tribunal.* Judges receive the usual subsistence allowance during their stay in Geneva and a fee based on the number of cases dealt with annually. In each case, usually only three of the seven judges sit. One of the three is the "reporting" judge, the other two are "signatory" judges. Each reporting judge is paid a fee of 1,500 Swiss francs for writing each judgement; each of the other two signatories is paid SwF 375 for signing each judgement.

(b) *Committee of Experts on the Application of Conventions and Recommendations.* Members receive a token fee of SwF 4,000 per annum.

(c) *Commissions of inquiry set up to examine complaints relating to non-observance of ratified conventions and similar bodies.* Members of these bodies receive a fee of $300 per day.

Food and Agriculture Organization of the United Nations

23. The Independent Chairman of the FAO Council is the only officer of the FAO governing bodies who receives an allowance. Resolution 17/97, adopted 18 November 1997 by the FAO Conference, provides that the Independent Chairman shall receive an annual amount of $22,000, which is intended to cover representation expenses and secretarial assistance in the Chairman's home station.

United Nations Educational, Scientific and Cultural Organization

24. Rule 62 of the rules of procedure of the Executive Board of UNESCO expressly forbids payment of honorariums to Executive Board members. The only additional payments made in excess of travel expenses and subsistence allowances are reimbursement to Board members of office expenses, when requested, at the standard rate plus 40 per cent plus $5, and a representation allowance of $22,500 per year to the Chairman of the Executive Board.

World Health Organization

25. Honorariums are not paid to members of WHO organs and subsidiary organs. However, members of the Executive Board and its ad hoc committees and of expert committees, study groups and scientific groups are paid a subsistence allowance that is 40 per cent above the standard per diem rate. Members of the Executive Board and its ad hoc committees receive a $3 per diem payment in addition to the rate indicated above.

Universal Postal Union

26. Honorariums are not paid to members of UPU organs and subsidiary organs, with the exception of the Chairman of the Council of Administration, who receives a lump-sum payment of SwF 16,500 per year, and the Chairman of the

Postal Operations Council, who receives a lump-sum payment of SwF 13,200 per year, as compensation for the expenses resulting from their functions.

International Telecommunication Union

27. Honorariums are not paid to members of ITU organs and subsidiary organs.

World Meteorological Organization

28. Honorariums are not paid to members of WMO organs and subsidiary organs. However, reimbursements for secretarial assistance to the Presidents of WMO and its regional associations are made, when requested, within the limits approved by the Congress.

International Atomic Energy Agency

29. Honorariums are not paid to members of the IAEA organs or subsidiary organs.

IV. Review of payment of honorariums to subsidiary organs

30. As noted above, the General Assembly decided to authorize the payment of honorariums to six bodies on an exceptional basis, as described below.

International Law Commission

31. In accordance with Article 13 of the Charter of the United Nations, the General Assembly, by its resolution 174 (II) of 21 November 1947, established ILC. According to the ILC statute, the Commission has as its object the promotion of the progressive development of international law and its codification. Article 2 of the statute states that members of the Commission shall be persons of recognized competence in international law. Article 8, moreover, states that each of the persons to be elected to the Commission should individually possess the qualifications required.

32. The Commission currently consists of 34 persons who serve in their individual capacity. They are elected by the General Assembly for a five-year term and reflect the main forms of civilization and the principal legal systems of the world. Unless otherwise decided by the Assembly, ILC meets annually for 12 weeks and reports to the Assembly, which provides guidance to the Commission on its programme of work. For 1997, the Assembly, in paragraph 12 of its resolution 51/160 of 16 December 1996, decided that the Commission should meet from 12 May to 18 July 1997.

33. ILC prepares drafts on a number of topics of international law, some chosen by it and others referred to it by the General Assembly or the Economic and Social Council. Most of its work has taken the form of draft articles on the basis of which international conferences of plenipotentiaries convened by the Assembly have adopted conventions and opened them for States to become parties thereto. Honorariums are provided to the Chairman and 32 members of the Commission, 1 member being excluded from accepting the payment by national legislation, and additional amounts are payable to 6 special rapporteurs at rates set by the Assembly in its resolution 35/218.

International Narcotics Control Board

34. INCB is an independent technical organ of the United Nations established by the 1961 Single Convention on Narcotic Drugs to limit the cultivation, production, manufacture and utilization of drugs to medical and scientific purposes while at the same time ensuring their sufficient availability for those purposes. The mandate of INCB is derived mainly from the Single Convention (as amended by the 1972 Protocol) and the 1971 Convention on Psychotropic Substances. In article 9 of the Single Convention on Narcotic Drugs it was stated that members of the Board should be persons who by their competence, impartiality and disinterestedness would command general confidence and who possessed a knowledge of the drug situation in the producing, manufacturing and consuming countries.

35. INCB is a treaty body consisting of 13 members, experts elected by the Economic and Social Council to serve in their individual capacity. Three members are elected from among candidates proposed by WHO and 10 are elected from among candidates proposed by Governments. The Board holds two mandatory sessions a year and may decide to meet more often as required. INCB is entrusted with monitoring the illicit movement of narcotic drugs and psychotropic substances with a view to limiting to medical and scientific purposes the trade in and the production, manufacture, export, import, distribution, use and possession of those substances. It also evaluates the annual and

quarterly statistical reports on licit trade and seizures. The Board may, in case of breach of the treaties, require Governments to adopt remedial measures, and it may bring treaty violations to the attention of the parties, the Economic and Social Council and the Commission on Narcotic Drugs. It is also empowered to recommend an embargo of drugs from or to the country concerned. The emoluments of the members of the Board are paid in accordance with General Assembly resolution 35/218.

United Nations Administrative Tribunal

36. The United Nations Administrative Tribunal is an independent organ competent to hear and pass judgement upon applications alleging non-observance of contracts of employment of staff members of the United Nations Secretariat or of their terms of appointment as well as applications alleging non-observance of the regulations and rules of the United Nations Joint Staff Pension Fund arising out of decisions of the Fund. The Tribunal was established by the General Assembly in its resolution 351 A (IV) of 24 November 1949.

37. Article 3 of the Tribunal's statute states that the Tribunal shall be composed of seven members, no two of whom may be nationals of the same State, who are appointed by the General Assembly initially for three years and who may be reappointed. The competence of the Tribunal extends to the secretariats of the associated programmes that are financed from voluntary contributions, such as the United Nations Development Programme, the United Nations Children's Fund (UNICEF), the United Nations Population Fund, the Office of the United Nations High Commissioner for Refugees and the United Nations Relief and Works Agency for Palestine Refugees in the Near East. Under article 13 of the statute, the competence of the Tribunal has also been extended to the International Maritime Organization and the International Civil Aviation Organization. The Tribunal normally holds two sessions each year: one in Geneva and one in New York. Honorariums are paid to the members of the Tribunal in accordance with the provisions of Assembly resolution 35/218.

Human Rights Committee

38. The Human Rights Committee, established in accordance with article 28 of the International Covenant on Civil and Political Rights (General Assembly resolution 2200 A (XXI), annex), is composed of 18 experts, who should be persons of high moral character and recognized competence in the field of human rights, consideration being given to the usefulness of participation of some persons having legal experience, acting in their personal capacity, who are nominated and elected by the States parties to the Covenant for a term of four years. The Committee monitors the Covenant by examining periodic reports submitted by the States parties and receives individual communications concerning violations of the Covenant by States parties having adhered to the Optional Protocol to the Covenant. The Committee meets three times a year for three weeks, once in New York and twice in Geneva. Each session is preceded by a one-week meeting of a nine-member working group. Article 35 of the Covenant provides that the members of the Committee shall, with the approval of the Assembly, receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities. The Assembly decided that the members of the Committee should be paid honorariums as set out in its resolution 35/218.

Committee on the Elimination of Discrimination against Women

39. The Committee on the Elimination of Discrimination against Women was established in accordance with the Convention on the Elimination of Discrimination against Women, which was adopted by the General Assembly in its resolution 34/180 of 18 December 1979 and which entered into force in September 1981. In accordance with the provisions of article 17 of the Convention, the Committee consists of 23 experts of high moral standing and competence in the field covered by the Convention who are elected for a term of four years. The Committee reviews reports of States parties submitted in accordance with article 18 of the Convention and formulates suggestions and general recommendations. As from 1997, the Committee holds two regular annual sessions in New York of 15 working days each, preceded by a five-day meeting of the pre-session working group. Paragraph 8 of article 17 of the Convention states that the members of the Committee shall, with the approval of the Assembly, receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.

40. The Advisory Committee on Administrative and Budgetary Questions, in paragraph 3 of its eighth report on

the proposed programme budget for 1998–1999,[6] sought clarification concerning the reference to the payment of honorariums to the members of the Committee made in paragraph 21 of the Secretary-General's interim study of the question of honorariums payable to members of organs and subsidiary organs of the United Nations (A/52/699).

41. It should be noted that the Secretary-General, in presenting his revised estimates under sections 6 and 29 of the programme budget for the biennium 1982–1983 related to the Convention on the Elimination of All Forms of Discrimination against Women, stated that the terms and conditions might be reviewed in the light of the provisions of resolution 35/218, whereby the General Assembly decided on revised uniform rates at $3,000 for members of entitled bodies and at $5,000 for Chairmen or Presidents of such bodies. The Secretary-General suggested that it might be appropriate to set the emoluments of members of the Committee on the Elimination of Discrimination against Women at the same level as applied to entitled bodies (A/C.5/36/90 and Corr.1, para. 10).

42. The Advisory Committee, having reviewed the Secretary-General's proposal, recommended approval of the Secretary-General's revised estimate of $252,500 under section 6 of the proposed programme budget for the biennium 1982–1983 for the Committee on the Elimination of Discrimination against Women.[7]

43. The General Assembly, on the basis of the recommendation of the Advisory Committee, adopted resolution 36/240 A of 18 December 1981, approving the additional amount requested by the Secretary-General. In so doing, it de facto approved the payment of honorariums to the members of the Committee on the Elimination of Discrimination against Women. It is on the basis of that decision that honorariums have been paid to the members of the Committee.

The Committee on the Rights of the Child

44. The Committee on the Rights of the Child was established in accordance with article 43 of the Convention on the Rights of the Child, which was adopted by the General Assembly in its resolution 44/25 of 20 November 1989. In close cooperation with UNICEF, the specialized agencies and other competent United Nations organs and bodies, the Committee monitors the Convention by examining periodic reports submitted by the States parties.

45. Initially, the Committee consisted of 10 experts acting in their personal capacity and nominated and elected by the States parties to the Convention for a term of four years. The Committee meets three times a year for two weeks, once in New York and twice in Geneva. A pre-sessional working group of the whole meets for one week immediately after each session to organize the next session. The Committee members are entitled to honorariums as decided by the General Assembly in section VII of resolution 44/201 A of 21 December 1989. The enlargement of the membership of the Committee from 10 to 18 is expected to occur as a result of the amendments to article 43 of the Convention, which was approved unanimously by the Conference of States Parties and subsequently endorsed by the General Assembly in its resolution 50/155 of 21 December 1995.

46. With respect to the questions of the Advisory Committee concerning the identification of criteria and legislative authority for exceptions to the basic principle, the review covered only those bodies comprising persons serving in their individual capacity and serving on a part-time basis rather than as representatives of Member States, in respect of whom the issue of possible remuneration had arisen.

47. The review covered the background relating to the establishment of the various bodies, the criteria relating to the level of expertise required of the persons to be appointed, the scope of responsibility and the number and length of sessions, as well as the legislative basis for the payment of honorariums as exceptions to the general rule.

48. The review of subsidiary organs of those bodies comprising persons serving in their individual capacity on a part-time basis rather than as representatives of Member States shows that special qualifications or guidelines for eligibility for membership have been prescribed specifically in the following cases under consideration:

(a) *Advisory Committee on Administrative and Budgetary Questions*. The Advisory Committee consists of 16 members appointed by the General Assembly in their individual capacity. The functions and responsibilities of the Committee and its composition are governed by the provisions of Assembly resolution 14 (I) of 13 February 1946 and rules 155, 156 and 157 of the rules of procedure of the Assembly. Rule 155 states that at least three members should be financial experts of recognized standing.

(b) *Committee on Contributions*. The Committee on Contributions is a subsidiary organ of the General Assembly consisting of 18 members appointed by the Assembly in their individual capacity. The responsibilities of the Committee, its nature and composition and the term of appointment of its members are governed by the provisions of Assembly resolution 14 (I) and rules 158, 159 and 160 of the rules of

procedure of the Assembly. Rule 159 provides that the members should be selected on the basis of personal qualifications and experience.

(c) *International Civil Service Commission.* Article 3 of the statute of the Commission, as adopted by the General Assembly, in its resolution 3357 (XXIX) of 18 December 1974, states that the members of the Commission shall be appointed in their personal capacity as individuals of recognized competence who have had substantial experience of executive responsibility in public administration or related fields, particularly in personnel management.

(d) *Subcommission on Prevention of Discrimination and Protection of Minorities.* By its resolution 1334 (XLIV) of 31 May 1968, the Economic and Social Council indicated that the members of the Subcommission should be elected by the Commission on Human Rights from nominations of experts made by the States Members of the United Nations.

(e) *Advisory Committee on the Application of Science and Technology to Development.* In its resolution 980 A (XXXVI) of 1 August 1963, the Economic and Social Council provided that the members of the Committee should be appointed on the basis of their personal qualifications and their knowledge or experience in the field of science and technology.

(f) *Committee for Development Planning.* In paragraph 3 of its resolution 1079 (XXXIX) of 28 July 1965, the Economic and Social Council noted that the members of the Committee would consist of highly qualified experts who would make their experience in development planning available to the United Nations for use in the formulation and execution of development plans.

49. In the course of the present review, it has been noted that among the human rights treaty monitoring bodies, payment of honorariums has been approved by the General Assembly for members of the Human Rights Committee, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, but not to the members of the remaining three human rights treaty bodies, namely, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination and the Committee against Torture.

50. The General Assembly, however, by its resolution 47/111 of 16 December 1992, welcomed amendments to the treaties monitored by the Committee on the Elimination of Racial Discrimination and the Committee against Torture by which members of those Committees should thenceforth receive emoluments from United Nations resources on such terms and conditions as might be decided by the Assembly. It is also noted that the Economic and Social Council endorsed in its decision 1993/297 of 28 July 1993, and reaffirmed in its decision 1995/302 of 25 July 1995, the recommendation that the members of the Committee on Economic, Social and Cultural Rights should be paid honorariums equivalent to those payable to the members of other relevant treaty bodies and urged the Assembly to give speedy attention to the matter. The Assembly, in paragraph 24 of its resolution 52/118 of 12 December 1997, requested the Secretary-General to include in his report prepared pursuant to that resolution a detailed explanation of the basis for the payment of honorariums to the members of the human rights treaty bodies and suggestions to improve coherence in that regard.

51. A review of the background relating to the establishment of the three other human rights treaty bodies and those criteria relating to the level of expertise required of the persons appointed to these bodies, the scope of responsibility entrusted to them and the number and length of their sessions, follows:

(a) The Committee on the Elimination of Racial Discrimination was established in accordance with article 8 of the International Convention on the Elimination of All Forms of Racial Discrimination (General Assembly resolution 2106 A (XX) of 21 December 1965, annex). The Committee is composed of 18 experts, acting in their personal capacity, who are nominated and elected by the States parties to the Convention for a term of four years. Article 8 of the Convention also provides that the members of the Committee should be experts of high moral standing and acknowledged impartiality. The Committee monitors the Convention by examining periodic reports submitted by the States parties and individual communications concerning violations of the Convention by States parties having accepted the optional procedure under article 14 of the Convention. The Committee meets twice a year in Geneva for three weeks;

(b) The Committee against Torture, established in accordance with article 17 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (General Assembly resolution 39/46 of 10 December 1984, annex), is composed of 10 experts, acting in their personal capacity, who are nominated and elected by the States parties to the Convention for a term of four years. The Committee monitors the Convention by examining periodic reports submitted by the States parties and individual communications concerning violations of the Convention by States parties having accepted the optional procedure under article 22 of the Convention. The Committee is empowered to conduct inquiries in States

parties that have accepted the procedure under article 20 of the Convention. The Committee meets in Geneva twice a year for two weeks;

(c) The Committee on Economic, Social and Cultural Rights was established by the Economic and Social Council in its resolution 1985/17 of 28 May 1985 and is composed of 18 experts, acting in their personal capacity, who are nominated by the States parties to the International Covenant on Economic, Social and Cultural Rights and elected by the Council for a term of four years. Its rules of procedure, as well as the meetings of its working group, were approved by the Council in its decision 1990/251 of 25 May 1990. The Committee monitors the Covenant by examining periodic reports submitted by the States parties and making general recommendations to the Council. The Committee meets twice a year for three weeks. A pre-sessional working group composed of five members meets for one week immediately after each session of the Committee to prepare for the organization of the following session.

52. It should also be noted that the General Assembly, in its resolution 45/158 of 18 December 1990, endorsed the establishment of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families. To date, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families has not yet entered into force, as that requires ratification by 20 States parties while only 8 States have so far acceded to or ratified it. Should the Convention enter into force during 1998 or 1999, the Committee would be established in accordance with article 72 of the Convention. The Committee would be composed of 10 experts (14 experts after the entry into force of the Convention for 41 States parties), acting in their personal capacity, who would be nominated and elected by the States parties to the Convention for a term of four years. The Committee would monitor the Convention by examining reports submitted by the States parties and individual communications concerning violations of the Convention by States parties that had accepted the procedure under article 77 of the Convention. According to article 72, paragraph 8, of the Convention, the members of the Committee shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide. In that connection, it is recalled that the Secretary-General proposed that the rates of honorariums be applicable also to the members of the Committee upon the entry into force of the Convention (A/C.5/47/45, para. 17).

53. In the case of the United Nations Investments Committee, the United Nations Staff Pension Committee, the Committee of Actuaries and the United Nations Administrative Tribunal, no specific reference was made in the enabling legislation to any special qualifications.

V. Summary

54. From the foregoing, it may be concluded that it was the legislative intent in the case of all subsidiary organs under review that, as a minimum requirement, they should be composed of persons with a certain level of expert knowledge and experience in the area of work in which the organ would be engaged. In addition, in a number of cases, the enabling legislation contained provisions that were designed to ensure a more balanced geographical distribution of members. However, in the case of INCB, it is also specifically required that its members shall not hold any position or engage in any activity that would be liable to impair their impartiality in the exercise of their functions (article 9, para. 2, of the 1961 Single Convention on Narcotic Drugs).

VI. Opinions expressed by the President of the International Narcotics Control Board and the President of the United Nations Administrative Tribunal

55. The Secretariat received a communication in August 1995 from the President of the International Narcotics Control Board, in which he recalled that the General Assembly, by its resolution 35/218, had revised the rates of honorariums of the Chairmen, the Vice-Chairman of INCB and other members of the International Law Commission, the International Narcotics Control Board, the United Nations Administrative Tribunal and the Human Rights Committee. The provisions of paragraph 2 of General Assembly resolution 35/218, whereby the Secretary-General was requested to keep the rates of honorariums under review and to report thereon to the Assembly when their revision might be warranted, were also recalled. The President of INCB attached a chart showing the inflationary erosion that the amounts fixed by the Assembly had undergone during the past 15 years. He further stated that the members of the Board, in accordance with article 10, paragraph 6, of the 1961 Single Convention on Narcotic Drugs, were to receive adequate remuneration as determined by the Assembly, and therefore requested that appropriate steps be taken to revise

the rates, which having already been in force since 1981 could no longer have been considered adequate.

56. In January 1996, the Legal Counsel received a communication from the President of the United Nations Administrative Tribunal, who recalled that the rate of honorariums applicable to the Tribunal and other subsidiary organs, which had remained unchanged for 15 years, was the subject of a report by the Secretary-General to the General Assembly. This was prompted in part by a communication from one of his predecessors as President of the Administrative Tribunal. The issue was deferred for further study. The points touched on in the report of the Secretary-General with regard to workload and inflation had become even more aggravated since 1991 (A/C.5/46/12, paras. 6 and 8). For that reason, the President hoped that a change in the status quo would receive the consideration it deserved in the near future. It seemed to him to be quite unfair for it to have been permitted to persist since 1991.

57. The President and other members of the Administrative Tribunal, in a meeting held on 21 October 1996 with the Legal Counsel, addressed the issue of honorariums. During the discussion, it was indicated that the Tribunal felt that its members should be treated differently from those of other non-judicial bodies, and their honorariums should be patterned after those paid to persons performing judicial functions for the United Nations, such as the ad hoc judges of the International Court of Justice.

VII. Conclusions and recommendations

58. As can be seen from the historical background presented in the present report in respect of the payment of honorariums and the developments relating thereto, the General Assembly has over the years approved the payment of honorariums in exceptional cases to members of specific organs and subsidiary organs. In some instances, the payment of such honorariums is based on specific provisions contained in the statutory rules approved by the Assembly for the bodies concerned.

59. The honorarium payments were decided upon by the General Assembly in each case by way of exception to the general principle. These were designed not so much to compensate adequately the individuals concerned for their services but to acknowledge a substantial sacrifice of time and financial interest on their part.

60. In adopting resolution 35/218, the General Assembly did not define a set of uniform criteria that would determine whether members of a particular organ or subsidiary organ should or should not be paid an honorarium. The Assembly however, did approve a uniform system for the payment of honorariums to the recipients.

61. On the basis of the present review, the Secretary-General would conclude that the criteria and authority for the payment of honorariums to members of organs and subsidiary organs rests solely with the legislative authority of the General Assembly.

62. That authority has been exercised by the General Assembly as discussed above. Accordingly, the Assembly may wish to consider whether payment of honorariums should be extended to the members of the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination and the Committee against Torture.

63. With regard to the level of the honorariums, it will be recalled that the General Assembly last revised the rates effective 1 January 1981. The Assembly may wish to consider increasing the rates of honorariums by 25 per cent, effective 1 January 1999.

64. Such an increase would result in revised annual rates of honorariums in respect of those cases the General Assembly had already authorized on an exceptional basis, namely, ILC, INCB, the United Nations Administrative Tribunal, the Human Rights Committee, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, and also apply to the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination and the Committee against Torture, on an exceptional basis, if the General Assembly so decides, as follows:

	Rate of honorariums (United States dollars)		
	Present rate[a]	*Proposed rate*	*Increase*
Chairmen (presidents)	5 000	6 250	1 250
Vice-Chairman of INCB	4 000	5 000	1 000
Other members	3 000	3 750	750
Additional amount payable to members of ILC when acting as special rapporteurs, conditional upon the preparation of specific reports of studies between sessions of the Commission	2 500	3 125	625

[a] As authorized by the General Assembly in its resolutions 35/218, 36/240 A and 44/201 A.

VIII. Financial implications

65. The financial implications of such an increase would be as follows:

Budget section	*Body*	*United States dollars*
6. Legal affairs	International Law Commission (Chairman, 32 members, 6 rapporteurs)	29 000
	United Nations Administrative Tribunal (Chairman, 6 members)	5 750
7A. Economic and social affairs	Committee on the Elimination of Discrimination against Women (Chairman, 22 members)	17 750
15. International drug control	International Narcotics Control Board (President, 2 Vice-Presidents, 10 members)	10 750
22. Human rights	Human Rights Committee (Chairman, 17 members)	14 000
	Committee on the Rights of the Child (Chairman, 17 members)	14 000
	Committee on Economic, Social and Cultural Rights (Chairman, 17 members)	70 000
	Committee on the Elimination of Racial Discrimination (Chairman, 17 members)	70 000
	Committee against Torture (Chairman, 9 members)	40 000
Total		**271 250**

Notes

[1] See A/C.5/1677 and Corr.1, A/10500, General Assembly resolution 3536 (XXX), A/C.5/31/2, A/C.5/33/54 and *Official Records of the General Assembly, Thirty-third Session, Supplement No. 7* (A/33/7 and Add.1–39).

[2] *Official Records of the General Assembly, Forty-sixth Session, Supplement No. 7A* (A/46/7/Add.1–16), document A/46/7/Add.8.

[3] Ibid., *Supplement No. 7* (A/46/7).

[4] Ibid., *Forty-seventh Session, Supplement No. 7* (A/47/7), document A/47/7/Add.10.

[5] Ibid., *Fiftieth Session, Supplement No. 7* and Corrigendum (A/50/7 and Corr.1).

[6] To be issued in *Official Records of the General Assembly, Fifty-second Session, Supplement No. 7A* (A/52/7A), document A/52/7/Add.7.

[7] *Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 7A* (A/36/7A), document A/36/7/Add.21.